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SEP 15 2017

CLERK U.S. DISTRICT COURT  
WEST TEXAS DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF TEXAS  
\_\_\_\_\_  
DIVISION

Form To Be Used By A Prisoner in Filing a Complaint  
Under the Civil Rights Act, 42 U.S.C. § 1983

JUDGE PHILIP MARTINEZ

Enrique Alfredo TAVARES #2139131

Plaintiff's name and ID Number

Middleton Unit

13055 FM 3522 Abilene TX 79601

Place of Confinement

LA Salle Corrections

v. EMERALD Correctional Management

West Texas Detention Center

401 South Vaquero Avenue Sierra Blanca TX. 79851

Defendant's name and address

Captain McQuade (La Salle Corrections / Emerald Correctional Management)

401 South Vaquero Avenue Sierra Blanca TX 79851

Defendant's name and address

Sgt Pittman (La Salle Corrections / Emerald Correctional Management)

401 South Vaquero Avenue Sierra Blanca TX 79851

Defendant's name and address

(DO NOT USE "ET AL.")

EP17CV0289

CASE NO:

(Clerk will assign the number)

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

**FILING FEE AND IN FORMA PAUPERIS**

1. In order for your complaint to be filed, it must be accompanied by the filing fee of **\$350.00**.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire **\$350** filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked **"NOTICE TO THE COURT OF CHANGE OF ADDRESS"** and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? \_\_\_\_\_ YES ☒ NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: \_\_\_\_\_

2. Parties to previous lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

3. Court (If federal, name the district; if state, name the county) \_\_\_\_\_

4. Docket Number: \_\_\_\_\_

5. Name of judge to whom case was assigned: \_\_\_\_\_

6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_

Enrique Alfredo TAVARES #2139131  
Middleton Unit

II. PLACE OF PRESENT CONFINEMENT: 13055 FM 3522 Abilene TX 79601

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ☒ YES ☐ NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.  
I am waiting on a Response from my grievance. There is no step 2 that I know of.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: Enrique Alfredo TAVARES #2139131 Middleton Unit 13055 FM 3522 Abilene TX 79601

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: LA Salle Corrections Emerald Correctional Management West Texas Detention Center 401 South Vaquero Avenue Sierra Blanca TX 79851

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

This is the Correctional department that allowed the assault and did nothing.

Defendant #2: Captain McQuade (LA Salle Corrections - Emerald Correctional Management West Texas Detention center) 401 South Vaquero Avenue Sierra Blanca TX 79851

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Captain McQuade punched me in my face busting my lip. Assault

Defendant #3: Sgt P. Pittman (LA Salle Corrections - Emerald Correctional Management) (West Texas Detention Center) 401 South Vaquero Avenue Sierra Blanca TX 79851

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Sgt Pittman Assaulted me by purposely scratching me & squeezed my arm Pulling my arm.

Defendant #4: Eli Basulto (LA Salle Corrections - Emerald Correctional Management) (West Texas Detention Center) 401 South Vaquero Avenue Sierra Blanca TX 79851

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Lied about me assaulting him and I had charges pressed on me

Defendant #5: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

**V. STATEMENT OF CLAIM:**

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On the morning of April 27 2017 at about 8:15A.M - 9:00A.M. at the West Texas Detention Center / Le Salle / Emerald Correctional Management, in 6-Dorm, during shake down, I was removed in cuffs for asking to use the restroom. Sgt Pittman placed me in cuffs. He lead me through the door. Then grabbed my right arm purpose raising my arms, scratching me then squeezing me causing me to trip / Teck. (This happened first) (In the grievance I went by officer Basulto handing me to Captain McQuade) Then officer Basulto grabbed about of me and then next thing you know they dropped / slammed me on the ground. Laying on my back still in cuffs that's when officers got on top of me (Not sure what all officers, but Captain McQuade was the officer I recognize that's when Captain McQuade punched me in my face numerous times it felt like busting my lip) They then put cuffs on my ankles so tight & with my pants down I couldn't stand up due to the pressure of the cuffs. They carried me to medical where medical didn't even see me and lied on the patient paper work. I was refused medical then taken to seg.

**VI. RELIEF:** State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

File charges for Assault on Captain McQuade and Sgt Pittman. Terminate their duties. File charges on <sup>officer</sup> Eli Basulto for Perjury, Monetary Damages & Refusing medical <sup>retaliation</sup> attention

**VII. GENERAL BACKGROUND INFORMATION:**

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Enrique Alfredo TAVARES

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

TDC# 2139131-17/8/82 Federal #42339051

**VIII. SANCTIONS:**

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): \_\_\_\_\_
2. Case Number: \_\_\_\_\_
3. Approximate date sanctions were imposed: \_\_\_\_\_
4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☐ NO

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_ YES ☒ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date warning were imposed: \_\_\_\_\_

Executed on: 9-11-17  
(Date)

Enrique Alfredo Tavares  
(Printed Name)

Enrique Alfredo Tavares  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire **\$350** filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 11 day of September, 20 17.  
(Day) (Month) (Year)

Enrique Alfredo Tavares  
(Printed Name)

Enrique Alfredo Tavares  
(Signature of Plaintiff)

**WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.**

ENDIQUE AVARES #2139131  
MIDNIGHT ON TRANSFER FACILITY  
13055 FM 3522  
ABILENE TX 79601

Legal  
Mail



Legal  
Mail

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
UNITED STATES COURTHOUSE  
525 MAGOFFIN AVE ROOM #105  
EL PASO TX 79901

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